The diversity of 'languages' as an inhibiting factor in ecumenical debates regarding inter-communion between the Catholic and Protestant churches

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1. Dialogue and language

Dialogue is always difficult. Even in the simplest exchange between two family members there is the danger of misunderstanding and confusion, and the constant possibility that despite a shared communication system, a language, and a common culture and situation, that an exchange rather than fostering understanding can be the source of suspicions, resentment, and conflict. We have just to take note of our experience and recall how many family feuds took their origin in what began as a simple verbal exchange between siblings. Something was said, perhaps now regretted by one party as a misunderstanding, that was seen as a provocation, an attack, and an indicator of the bad faith of the other party – and language, which is that which can draw us together, becomes the vector

towards deep division and conflict with those who are nearest to us.

The possibilities that language will destroy dialogue increase massively once dialogue takes on the character of negotiation between individuals or groups. Now differences of perspective, background, experience, and culture all add to the challenge of dialogue; and a common language is not only a pre-requisite but acts as a metaphor for all the other commonalities that must be in place if dialogue is to be real, engaging, and to lead anywhere. In our experience this is recognised by the appeals in any set of talks that we should be 'Singing off the same hymn-sheet' and our willingness to describe problems within a dialogue in terms of 'Not being on the same page.' The challenge in such exchanges is to develop a truly common base language, coupled with the need to develop creative ambiguities that allow 'wriggle room' for those who recognise the basic common element in their language but also acknowledge that in even such a created common language there will still be problems arising from the diversity of the users of the language.

Religious dialogue then presents its own unique challenges. Not only is religious language mythic and poetic in its origins and its practice – and so without the sort of definitional precision that can be brought to bear in many other human negotiations – but it is a language that works through the imagination. It is language which is analogical in nature, and when if it abandons that analogical manner of relating to the world – supposing that it is a directly descriptive of the world – it ceases to be worthy of its subject matter. We need to constantly invoke that fundamental principle of God-talk / religious dialogue: *Deus semper maior* – while remembering that we not only do not know what we mean by '*deus*' but we cannot conceive what '*semper maior*' means. Yet we must continue to use language for the only alternative, silence, does not do justice to that witness we believe we must make to the presence of the Holy.

Ecumenical dialogue seems particularly problematic because it straddles these three levels of exchange. Not only do the followers of Jesus imagine themselves as a fictive family: being sisters and brothers calling on God as Father, but we form human groups who must negotiate and seek to reconcile our corporate differences, and the matters of our dispute are framed in terms of

the complex theological stories we tell ourselves to make sense of discipleship. In short, there is probably no other area of human affairs with so great a need for a shared language, a means of talking to one another that leads to the diminution of division and suspicion, creative of shared understanding within cultures that have been at one another's throats for centuries, and capable of being a means towards forging new respect for each other as sisters and brothers. The contention of this paper is that such a common language is further away than many think – and that this is a particular challenge for the Roman Catholic Church if ecumenical discussions are to be dialogue within shared faith rather than simply 'being friendly with the neighbours.'

2. Where are we?

It is now over fifty years since the end of the Second Vatican Council and despite this being a period of possibly unprecedented change in Catholic liturgical practice, the style of theology practiced by Catholics, a different attitude to the other churches expressed in formal documents and different behaviour seen in various collaborations alongside a string of official ecumenical conversations, there has been no change in the

official position of the Catholic Church on a central plank in any ecumenical endeavour: inter-communion[1] and the related, but possibly more complex, question of the mutual recognition of ministries. This is an unpalatable truth when we Christians meet, and when faced with greater global challenges some feel that going back over older arguments, often phrased within a theology many of us barely recognise, costs time and effort that could be put to better use. Moreover, among many Catholic theologians there is a feeling that perhaps it is better not 'to pick at sores' but rather rejoice in what we now share: perhaps the problem will just disappear!

Others argue that actual sharing in the eucharist may not be so important. Can we not be content with joint witness and agree that we eucharistize apart? [2] I do not see that as satisfactory for

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[1] See, for example, the press statement of the German Bishops' Conference of 27 June 2018 on 'Pastoral Guidance on the matter of inter-denominational marriages and joint participation in the Eucharist.'

[2] It is a fundamental supposition of this paper that 'the eucharist' is the name of an *action* of the gathered People of God in union

three reasons. First, the eucharistic meal has been *the* gathering of Jesus' followers since before they were known as 'Christians' and an important marker of identity. It would be untrue to the broad tradition to avoid issues relating to the eucharist even for some noble reason because that would suggest that eucharistic activity is peripheral. Second, as a Catholic I affirm the phrase used in Vatican II that the eucharist is the '*totius cultus et vitae christianae est culmen et fons*,'[3] and therefore cannot be indifferent to the fact that, on the one hand, I may now greet my Protestant friend as a sister or brother in Christ in baptism, but also hold that they do not celebrate the eucharist.[4] And third, this

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with the Christ; see Thomas O'Loughlin, *The Eucharist: Origins and Contemporary Understandings* (London: T. and T. Clark 2015) 42-8.

[3] The exact form of the quotation as used here is that found in Canon 897 of the 1983 *Codex Iuris Canonici* (Vatican City: Libreria Editrice Vaticana, 1983). My rationale for citing this from the *Codex Iuris Canonici* rather than from the council documents directly will become clear later in this essay.

[4] This language of the eucharist as 'the summit and centre' of the Christian life is usually attributed to Vatican II, but it can already

is not a recherché curiosity but an issue that brings pain, time and again, to fellow Christians who experience exclusion and rejection on the basis of this canon: 'Catholic ministers may only lawfully administer the sacraments to the Catholic members of Christ's faithful.'[5] Unlike debates about reconciling approaches to justification or the relationship of the Bible / the Scriptures to theology, here ecumenical theology merges with the urgency of pastoral care.

Moreover, after a short period in the immediate aftermath of the Second Vatican Council when this problem seemed to be about to disappear, there has been a growing hesitation among Catholics to engage with the problem as steadily one bishops' conference after another insisted in their ecumenical directories that inter-communion with Protestant Christians was not possible except in

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be found in the chapter on the eucharist by the Anglican theologian, and famous World War I padre, G.A. Studdert Kennedy (see G.A. Studdert Kennedy, *The Hardest Part: A Centenary Critical Edition* (T. O'Loughlin and S. Bell eds; London: SCM Press, 2018, pp. 100-116).

[5] Canon 844, 1 (the translations are my own).

very restricted circumstances – indeed circumstances that were so restrictive as to never occur in the course of everyday ministry. This restrictive approach fitted with the conservative approach to the sacraments during the papacy of John Paul II, and received added vigour during the rolling back of many conciliar liturgical developments that characterised the pontificate of Benedict XVI: any discussion of inter-communion attracted suspicious attention from Rome. It gradually emerged that, *de facto*, this was no longer an issue open for discussion among Catholic theologians.[6] The position that has become widespread is that participation in the eucharist is built upon the unity of the Church and, therefore,

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[6] An excellent example of this tendency (hence it will be used as a test case in this paper) to present the question as closed is the 1998 joint document of the three bishops' conferences of the British isles entitled *One Bread One Body* (Catholic Bishops' Conferences of England and Wales, Ireland, and Scotland, *One Bread One Body*, London: Catholic Truth Society, 1998) which was adopted, more or less *in toto*, by many other episcopal conferences around the world, and its influence can still be detected in the June 2018 statement by the German bishops' conference.

supposes formal unity prior to normal sacramental sharing. This widespread opinion has been given the status of some kind of theological axiom in the form, as used in the recent German bishop's statement, 'eucharistic communion and church fellowship belong together.' This link is interpreted as being so intimate that they are, in effect, convertible terms: one cannot have communion without formal ecclesial belonging and such ecclesial unity is the prerequisite for eucharistic sharing. I refer to it as an 'axiom' not only because of its analytic nature but because it is not clear how this position is arrived at (apart from a generic citation of 1 Cor 10:17), and because it is seen as a basic premise in all further argument. Moreover, there seems no awareness of its epistemic or practical limits as a statement. For example, as a statement about the life of the Church as a community of limited, and sinful, human beings any reference to such theological and organic unity can only be imagined on the horizon of eternity. In other words, while the question of intercommunion arises in practical historical order of ministry to this or that group of people, the reply belongs to a meta-historical order where 'eucharist' and 'ecclesial unity' are conceived, if not as ideals, then at least *sub specie aeternitatis*. Indeed, the moment of such ecclesial unity is virtually identical

with the moment when sacraments as we know them on earth will cease.

This unwillingness to examine the issue is, moreover, related to a more general fear in recent decades among many Catholics that any ecumenical rapprochement might pose a danger to their Catholic inheritance. Though it should be said that after almost every ecumenical statement, from whatever quarter and on whatever topic, there seems to some within every ecclesial body who are then fearful that they have betrayed an inheritance or blurred a necessary line of demarcation.

This lack of discussion came to a surprising and abrupt end on 15 November 2015 when a Lutheran, Anke de Bernardinis, asked the Pope while he was visiting the Lutheran Church in Rome if there could be movement on sharing together the Lord's Supper? The Pope's reply is interesting on a number of points – allowing that it has the quality of *obiter dictum* – but two are significant. The Pope asks himself: '"Is sharing the Lord's Supper the end of a journey or is it the viaticum for walking together?" I leave the question to the theologians, to those who understand.' And then he ended by saying he could 'never dare give permission ...

because [he] does not have the authority. … [she should] speak with the Lord and go forward. I do not dare say more.'[7] While canonists have been quick to point out that this is not strictly a 'papal statement,' in the context of the implied invitation to theologians to examine the issues, it would be impolite to ignore it. It is as a response from one of those to whom Pope Francis has delegated the problem that I offer this paper.

However, while this answer by the pope was greeted with joy by many who long for inter-communion, there seems no prospect of any resolution in the near future as witness the June 2018 German statement and their recent dialogues with various Roman dicasteries.[8] To many, both within and without the Catholic Church, it appears that the whole engagement with ecumenical issues by Catholic authorities lacks sincerity. One day it seems as if intercommunion is simply the next step in recognising our common belonging to the community of baptism as we make our

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[7] Cited from Vatican website: papa-francesco_20151115_chiesa-evangelica-luterana.pdf

[8] All these documents can be found on the website of the German Episcopal Conference.

pilgrimage of faith as disciples because we celebrate eucharistically at the Lord's table at which all of us as guests. The next day, the past seems to echo back around us in the form of formal exclusions, the contemporary form of *anathema sit*, and a presentation of the Catholic Church as the perfect Church. Other gatherings (who might self-identify as 'churches') are merely church-like ('ecclesial gatherings' in Catholic terminology) and can be characterised by their defects, while their eucharistic assemblies might not be anything more than appearances ('invalid' in Catholic language) due to defects in order (i.e. there is no one who has been empowered by the Christ to preside) or intention (i.e. they do not intend to do what 'the [Catholic] Church does' when it celebrates).[9]

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[9] Very few Protestant Christians share the training in scholastic categories which allows them to enter into this language game and exploit its inherent contradictions, but one who did was the nineteenth-century Anglican theologian Richard Whately – now better remembered as a logician than as a theologian – in his *The Scripture Doctrine concerning the Sacraments* (London: John W. Parker and Son 1857), 78-91 where he discusses 'intention.' What sets Whately apart from more recent theologians as in that book

Is this swinging to-and-fro among the Catholic responses to be explained as a matter of ecclesiastical politics (some version of the conservative versus progressive dialectic we find in human organisations – and there is certainly an important element of this at work) or a lack of commitment (a form of bad faith whereby 'nice things' are said when in the spotlight of a world incredulous of the nature of inter-church disputes, but which are then not backed up in practice – and this is a feature of some ecumenical activities), or is there a deeper problem also at work? The contention of this paper is that, largely unconsciously, Catholics find themselves operating within two distinct 'languages' – with what Wittgenstein would call 'language games' – which, while have many common elements, are fundamentally incompatible with one another. This use of two languages within Catholicism is a problem even if all the other factors, the 'non-theological factors' such chauvinism about one's own tradition or

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we meet a case of religious antagonists, his approach could hardly be described as eirenic, using the same vision of theological language: both he and his opponents believe they can have a complete and comprehensive doctrine of the eucharist.

someone's personal conservative tribalism, are excluded. Moreover, coming to grips with this confusing bilingualism regarding sacramentality is not only important for ecumenical dialogue between the churches but for a more fruitful theological discussion within the Catholic Church.

3. A common language? *One Bread One Body* (1998) as a case study.

That there is such a Babel-like situation within Catholic discourse at the present time might seem to overstate the position. So my starting point is to look at just one actual example of this bilingualism at work. The case I take is the document issued in 1998 not just by one episcopal conference, but by three – those of (1) Ireland, (2) Scotland, and (3) England and Wales – acting together, and entitled *One Bread One Body*. This is a good case study for several reasons. Firstly, this is surely a significant case of non-Roman *magisterium* within the Catholic Church in that it involved several conferences within a single linguistic/ geographical region. Secondly, it is not confined in its influence to the British Isles but has been used as a model by many other episcopal conferences for the expression of their position on

intercommunion. It can be viewed, therefore, as a recent expression of what is seen as a settled matter among Catholic bishops. Thirdly, it has provoked a widespread debate of the commitment of the Catholic Church and as to whether ecumenical discussion regarding the eucharist can ever make practical progress. In particular, it has provoked a very thoughtful response from the Church of England which itself illustrates the problems of incompatible languages.[10] Lastly, *One Bread One Body* while not adopting the formal lexicon of scholastic theology tends to default to scholastic categories and, more importantly, to express its basic thinking using one language while expressing its desire for unity and dialogue within another.

Anyone reading *One Bread One Body* notices that there are both theological issues and issues of theological style in the rejection of arguments for intercommunion. However, trying to tie down what exactly are the crucial issues is far from easy – as becomes clear from even a cursory reading of the 2001 Anglican response.

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[10] The House of Bishops of the Church of England, *The Eucharist: Sacrament of Unity* (London: Church House Publishing, 2001).

Why there is this lack of clarity is itself surprising, given that (a) Catholic magisterial documents tend to pride themselves on using precise language and (b) there is a tendency in most discussions relating to the sacraments to begin with some form of definition. It is the argument of this paper that this apparent lack of clarity has far deeper roots within Catholic discourse of the eucharist than is commonly recognised and that explicitly identifying this issue is a preliminary, but necessary, step in dialogue relating to intercommunion.

An obvious presupposition of discourse, much less dialogue, is that there is a common language which is more or less understood by those using it. However, if we look at contemporary Catholic discourse we find that there are two languages relating to the sacraments, and especially the eucharist, being used simultaneously and rarely distinguished. The result is that both among Catholics themselves, and in discussions with other Christians there is a string of instances of that ambiguity.[11] Both of these languages are 'official' Catholic languages (i.e. used in church documents) for the doctrinal

[11] This ambiguity takes the formal shape of being 'fallacies of four terms' (*quaternio terminorum*).

exposition of the eucharist but are so intermingled that many statements allow contradictory conclusions to be drawn.[12] It might be argued that these are conflicting theologies or approaches, but I think of them as 'languages' because each has its own lexicon, grammar, and world-created-by-language, and the differences tend to be far more opaque to the users, just as language tends to be. If one takes a theological position, that is

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[12] Many of the disagreements among Catholics that have arisen in the matters of liturgical interpretation of Vatican II (e.g. the seemingly endless debates about the meaning of *actuosa participatio*: is *actuosa* to be understood as a binary term with *potentialiter* within a scholastic world of differentiating continuously between 'potency' and 'act'; or does *actuosa* mean 'actual' in general usage so that the aim is a community that is 'wholly celebrant' – I take this rendering from Richard Hurley's article 'The Eucharist Room at Carlow Liturgy Center: The Search for Meaning,' *Worship* 70/3(1996)238-51 at 238) can be explained in terms of these two kinds of language so when each claims the other side 'does not hear them' and both claim they are 'simply reading Vatican II', all concerned forget that there are two languages at work.

usually visible in the statements one makes; but before one takes any theological stance, one adopts a 'language,' with all the assumptions that go with it, and it is at that level (which is deeper that the explicit theological content of one's utterances) that the confusion arises.

One easily recognized feature of this simultaneous use of two languages is that when any statement is made regarding the eucharist, in either language, very often Catholics feel that there is 'still "something" more to say' such than any one language, particularly the more modern language, appears to be 'somehow' inadequate and to call forth an iteration of older formulae lest 'something' should be lost. This tension in Catholic discourse regarding the eucharist is usually explained in terms of a theological dialectic among Catholics such as the very familiar conservative versus liberal debate, or, more precisely, the clash between inherited 'scholastic' categories and the current post-scholastic mode of Catholic theology, or, more simply, as a conflict between theological 'principles' or 'models.' But while there is an element of all these dialectical processes involved, there are still other factors affecting the Catholic approach to eucharist that need to be identified.

Before going further, it is a good idea to look at a simple example of these two languages being used simultaneously. In 1972 the Catholic bishops in the United States published a document on music which contained this, now famous, statement:

> Faith grows when it is well expressed in celebration. Good celebrations foster and nourish faith. Poor celebrations weaken and destroy faith.
>
> To celebrate the liturgy means to do the action or perform the sign in such a way that the full meaning and impact shine forth in clear and compelling fashion.[13]

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[13] Bishops' Committee on Liturgy, United States Catholic Conference, *Music in Catholic Worship* (Washington, DC: National Conference of Catholic Bishops, 1972), nn. 6-7. The history of this statement demonstrates the hesitation that it generated: it began its career in 1968 U.S. Bishops' document *The Place of Music in Eucharistic Celebrations*; it evolved in form in the 1983 revised edition of *Music in Catholic Worship*, and then in *Sing to the Lord* (2007). For details of this evolution, see Edward Foley, *A Lyrical Vision: The Music Documents of the American Bishops*

The first of these statements has, over the past forty years, become an oft-cited principle among liturgists. Since the statement's general truth is known to most people engaged in actual communities' worship it seems to be little more than stating what should be obvious. Liturgy matters![14]

However, while the statement has been often repeated in semi-official documents, it has also occasioned hesitation. In particular, the notion that a variable quality, such as that of performance, could be detrimental to faith has troubled many Catholics. There is 'something else' they wish to affirm. On the one hand, the notion that well performed liturgy is itself a 'good' and, therefore, contributes to producing a good fruit, the nourishing and fostering of faith, is not problematic. However, the idea that the efficacy of a rite could be so vitiated by the nature of the performance that it would work against the rite's

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(Collegeville, NM: The Liturgical Press, 2009), 22, 32-3, 43, and 61.

[14] I have developed this at greater length in *The Rites and Wrongs of Liturgy: Why Good Liturgy Matters* (Collegeville, NM: The Liturgical Press, 2018).

purpose and so be detrimental seems to overstep the mark in some way or other. Surely, many feel, a sacrament has its own reality, its own efficacy, its own intrinsic *potestas* and goodness whether or not it is 'well done.' The demands of 'liturgy' – when that term means more than the fulfilment of the ritual – are not *that* important that they destroy sacramental efficacy. Expressed another way: well-performed liturgy is a *desideratum*, but not a *sine qua non*. Indeed, having declared the opening statement to be *obviously* true (for most people somehow know that good liturgy builds up while they have seen many 'turned off' by bad liturgy), a great many Catholics would reject the notion that good liturgy is essential (certainly not if expressed as a '*sine qua non*') for the liturgy is the liturgy however celebrated – and consequently good liturgical practice is 'a bonus,' an 'add on,' or a peripheral matter to the actual event of making the liturgy happen. This is not only an argument that is self-contradictory in its own process of thought, but one that takes external, practical form: one asserts the centrality of the eucharistic liturgy, but then ignores the fact that provision for a 'good liturgy' may be wholly lacking. Similarly, in seminaries there may be much attention to training to ensure that the liturgy occurs correctly – irrespective of situations, numbers taking part or occasions – but

little concern with presiding skills, but at the same time repeating the theme that the presbyter presiding at the eucharist stands at the centre of the assembled People of God and that each eucharistic celebration is an authentic expression of this actual community.

4. The differences between an empirical and a 'Neo-Platonic' language.

How can we describe these two languages? Most of us, most of the time, and virtually always in contemporary scholarship, use language in an empirical way. We seek to describe what we are doing, why we are doing it, and 'to give an account of the hope that is within us' (cf. 1 Pet 3:15). Because we are describing living processes we do not imagine that our words wholly embrace reality: all our statements are imprecise, incorrect, and incomplete. We hope to improve on this situation by practice, education, shared endeavour, and a continual process of revision, and in all this our thinking is playing 'catch up' because as we revise our understanding, so too reality changes. We are trying to build – note it is a continuing activity – a base of evidence to allow us to move towards a better picture of the world, we are

certainly doing more than seeking out ‘authorities’ and ‘precedents’ (in the manner of a lawyer prosecuting a case) which demonstrate the inherent rectitude and perfection of our existing position.[15] The notion that any book or set of ideas is definitive is fundamentally alien to us: there will always be more to say. We, without ever reading Karl Popper, just sense that every body of theory – such as the theologies we use today to make sense of our living out of faith – is only sound to the extent that it has not been falsified and so become the basis for our next revision. Likewise, we assume that words are provisional items of code: better expressions will come along, words will date and be replaced, and there is always an element of uncertainty that what

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[15] This distinction between the lawyer seeking precedent and the historian seeking evidence is often ignored but vitiates much ‘historical’ writing, particularly relating to sacramental theology that is used in Catholic debates. Thus, for example, a single ‘precedent’ for the use of unleavened bread is presented as the basis for it being ‘an ancient tradition’ despite the fact that it is a ninth / tenth century innovation in the Latin west. In such debates the issue is not the raw fact of what was once done, but the entire language that is being used.

I mean by a word is not what you mean. Rather than dwelling on this, we work with words and, when necessary, seek to clarify our meaning. Moreover, since words bring us to a shared pool of meaning, as distinct from encompassing a reality, there is always a poetic element in human discourse and this is always the case when we use language in religious contexts. This paper, for example, is written with these assumptions in play.

But there is another 'language' with a long history in Christian discourse and which is, in particular, a part of the Catholic inheritance. In this discourse, language is, for those who use it, comprehensive of reality and, furthermore, its elements can be assembled to form in the minds of its users a replica of the actual universe under discussion. The internal world of the language, within the minds of those who use it and who regulate its consistency as a matter of mental discipline, is believed to be an exact *simulacrum* of reality.[16] Now language builds a world which

[16] The fundamental epistemological flaw of this manner of thinking was exposed and parodied by Lewis Carroll in 1893 when instead of a perfect map at a scale of 1:1 – which could not be unfolded as its damaged the crops – its inventors had to be

so mirrors reality that a command and understanding of the language is equivalent to a comprehension of reality *extra mentem*. This *imago mundi* does not need constant revision, nor does it see itself as conditioned and provisional: it not only described reality now, but by relating to the essential realities, its insight into what is 'really happening' beneath the appearances, is transcending time: one know the parts of reality in their essential natures. When it succeeds – and sinful humanity will not always attain to this clarity[17] - it is an ideal description of an ideal world. Of course, no one is so foolish as to imagine that they actually have this ideal language right now, but rather they are happy they are on their way to it and they certainly do not see understanding as subject to constant revision as new evidence comes to light: it is merely improved and 'developed' by a process of incremental addition. The historicity and particularity

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content with what 'does nearly as well': 'the country itself' (L. Carroll, *Sylvie and Bruno Concluded* as found in *The Complete Illustrated Works* (New York, NY: Gramercy Books, 1982), 727.

[17] Traditionally, sinfulness both 'actual' and as 'an effect of Original Sin' were invoked to explain any 'noise' within the system.

of knowing is not a foundation of this language but rather the noise in the system. Defects are due to human weakness or wickedness, but as in the classic image, derived from Plato, as the human being turns towards the light, the more that person is granted knowledge which rises above the ephemeral.[18]

Intellectually, we reject this second view of language as naïve and dated. We imagine that it belongs only to certain schools of mathematicians, formal logical systems such as computer programmes, and an out-dated physics. But it is also the view of knowing and language that has a long history in theology. We can see it emerging in the work of Isidore of Seville (c.560-636)[19] in parallel with the earliest collections of canon law and it underpins centuries of argument on sacramental theology where

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[18] *The Republic*, 514a-520a.

[19] See Thomas O'Loughlin, "Isidore's Hermeneutics: the Codification of the Tradition" in *The Theory of Biblical Interpretation: The Latin Fathers*, ed. Tarmo Toon (Cambridge: Cambridge University Press, 2016), 206-231; and "Isidore as a Theologian" in *A Companion to Isidore of Seville*, ed. Jamie Wood (forthcoming).

many of the key notions used in argument had their origin in the early medieval period. It is not to be identified with the language of the university scholastics nor of the canonists, though they did tend to use it far more than they used the other, more Aristotelian, language. However, many of the basic assumptions of the canonists can only be appreciated by noting their use of this language,[20] and it is principally (but not exclusively) through the use of canon law in Catholic sacramental discourse today that this language still survives. This may seem a bold claim, but it is always worth recalling that the system of the seven sacraments of the Latin church arose first among the canonists, while theologians such as Aquinas often used Gratian as the source of a *fons theologiae*.[21]

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[20] See Stephen G. Kuttner, *Harmony from Dissonance: An Interpretation of Medieval Canon Law* (Latrobe, PA: The Archabbey Press, 1960).

[21] In *Summa theologiae* 3a, 73-78 – the central *quaestiones* in his treatment of the eucharist – Aquinas used Gratian on no fewer that twenty-two occasions; yet we rarely refer to Gratian's 'editorial' work in the evolution of eucharistic theology.

More importantly, while canonists today will point out the limits of canonical understanding, the fact remains that there is a canonical understanding of the eucharist, it is known by Catholic clergy and affects their everyday life, and, consequently, another language for discussing the eucharist is present through the canonical language. This older language is invariably 'running in the background' even when people are seeking a renewed theology of the eucharist in study, a better praxis in liturgy, or shared understanding in ecumenical dialogue. So if we want to see this other 'language' we can do no better than to look at how the eucharist is described in canon law. In linguistic terms, this older canonical language is a source of 'substrate interference' with the common language with which Catholics would discuss the sacraments with Protestants.

5. The vision of the eucharist in the 1983 Code

Canon 897 offers a canonist's definition of the eucharist using the language of 'centre and summit' but it is the definition of a legal object which is encountered by Christians – most significantly there is no hint that 'eucharist' is an activity of a gathering of Christians. Christians relate to 'it' – the eucharist - as

to something independent of them, they neither 'do it' nor do they create it by their actions when gathered. This is further expanded in the following canon, 898, which speaks of the laity and the eucharist who are 'to hold the blessed eucharist,' an object *extra mentem*, in reverence, they are to receive it frequently, and see it as the object of adoration. The sacrament is not an encounter here between the community and God, or even the community and the Christ, but is a distinct element in the divine scheme towards which there is an appropriate reaction as to an entity outside of themselves. Moreover, the eucharist has 'a doctrine' which is imagined as inherent in the object – rather than as a story of the community making sense of its activity. It is the duty of the parish priest to expound this doctrine, which is external to his own faith and understanding, and so any notion that a community can develop its own theology of the eucharist is wholly alien to this view. Likewise, there is no room within this view for the notion that a community's theology of the eucharist is evolving through their eucharistic practice, their reflection on that practice, nor through their encounters with other Christians who might not self-identify as 'Catholics.' But we all know that

actual theologies of the eucharist are continually evolving,[22] and the experience of Catholics and non-Catholics worshipping together is very often a spur towards transformation in the understanding for both groups.[23]

So how does the eucharist come about?[24] Is it the action of Christ and the Church 'by ministry of a priest' (*sacerdos*), and there is no mention of the gathering – the assembled community, as such,

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[22] See Thomas O'Loughlin, 'Eucharistic Celebrations: the Chasm between Idea and Reality,' *New Blackfriars* 91(2010)423-38.

[23] It is worth recalling that as recently as the early 1960s treatises on moral theology had a section under the heading 'sins against the virtue of religion' which included formal and material 'co-operation in false rites.' While material collaboration (e.g. a Catholic nurse calling a non-Catholic minister to visit a non-Catholic patient) could be justified as a human charity; formal collaboration (if that nurse answered prayers as if part of a congregation at the bedside) was forbidden.

[24] Within this language causality is a primary concern (which takes legal form in the concern over the exercise of a *potestas*) rather than the empirical question of 'what are we dealing with?'

is therefore not an agent.[25] Rather the gathering can participate in the reality (which exists anterior to that participation). This must be the case because otherwise a priest – significantly always referred to as a *sacerdos*[26]– would not be able to celebrate Mass without a community: but this is plainly absurd. Therefore, the community (apart from the priest) cannot be imagined as active in bring about the eucharist. This view, that the priest alone is active is then seen in the link the code makes between the eucharist and sacerdotal identity (such as an encouragement to celebrate daily 'even if it is not possible to have the faithful

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[25] Canon 899.

[26] *Sacerdos* canonically covers both presbyters and bishops but its use focuses on the attention on 'powers' and, since the use of the word is then applied to Jesus through a particular way of reading the Letter to the Hebrews and then taking back to the presbyter what is there said of Jesus, further problems ensue for ecumenical dialogue. For an example of the recent confusion of the two languages regarding this use of *sacerdos* in a semi-official Roman document, see Thomas O'Loughlin, "Are 'the Bishops … the "High Priests" Who Preside at the Eucharist'?: A Note on the Sources of *Sensus Fidei*," *New Blackfriars* 98 (2017) 232-38.

present'[27]). That the priest – in virtue of ordination rather than position in the community – is essential is, for Catholics, uncontroversial;[28] but it means that all to do with the gathering – indeed the whole realm of liturgy while possibly praiseworthy or *ad melius esse* – is accidental to the realities involved. Only that which can affect the 'reality' of the eucharist – is it *or* is it not – can have the dignity of full seriousness. The real liturgy is not what one takes part in, which one sees and experiences, at 'a liturgy on a particular day' but something other of which this celebration on this particular Sunday is but a momentary manifestation.

But surely there must be at least a token congregation, a server justified as a token of the gathering? But that does not mean that it is not possible – and if possible, then the question becomes one of legality: and it is lawful for 'a just and reasonable cause' to have no other person present.[29] Then there is the hoary old question of consecrating just bread or wine or both without any

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[27] Canon 904.

[28] Canon 900.

[29] Canon 906.

celebration of the eucharist – again it is possible, but it is always a crime (*nefas est*) even if for a good reason.[30] Lurking here we see the presence of the late medieval discussions about the possibility of consecrating as a joke[31] – and clearly that is still considered a real possibility. In entertaining this possibility we find 'the bottom line' regarding eucharistic presidency / presbyteral ministry: it is the stable possession of the power to consecrate; and we also see 'the bottom line' on sacramentality: it is a power

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[30] Canon 927.

[31] This is the debate of whether consecration is an act done or the result of an intention, which in turn is seen to rest on the certainty of the a sacrament operating '*ex opere operato*' while only '*sacramentalia*' operate *ex opere operantis* (i.e. the intention being 'a work' of the worker). This issue has a long and complex history and surfaces in a variety of places, for example, in the 1520 Bull of Leo X condemning Martin Luther, see Heinrich Denzinger – Peter Hünermann eds, *Enchiridion symbolorum definitionum et declarationum de rebus fidei et morum / Compendium of Creeds, Definitions, and Declarations on Matters of Faith and Morals* ([43rd ed.]San Francisco: Ignatius Press, 2012), n. 1462 [p. 364].

so delegated to the Church that it can operate independently of the presence of faith and worship. Moreover, we should note that these canons do not refer to what would be good clerical conduct (Canon 929 on wearing vestments would be such a rule) but the nature of the crime involved in doing such a thing as consecrating a barrel of wine as an exercise of sacerdotal power: that the 'power' is there is not in question, merely its inappropriate use.

This naturally leads modern Christians to ask what image of 'the Church' underlies in such canons (and so, by extension, those who speak this language / operate this system)? The clear vision of the Church implicit in all these canons is that the lay community is an accidental aspect of the sacrament; and, consequently, it is not their liturgy in the sense of it really 'belonging' to them as their activity. The baptised-who-are-not-ordained, often referred to in the Code as *Christifideles laici*, are present at an event, but which is exterior to them in that it is not their doing. But if the community's presence is accidental to the sacrament, in terms of the individuals concerned that presence is participation in a theological object; and that presence is

spiritually beneficial to them.[32] Equally, it is not a communal participation *qua tale*, but individual participation by a collection of people (because the group is only an accident of quantity – one could add or remove individuals without affecting the reality of the event).[33] So here we see the dissonance of the two languages: in the empirical language used by liturgists and in preaching we have words about the community as a real unity, with a presider,

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[32] It is in the light of this thinking we can why rendering '*ut meum ac uestrum sacrificium*' as 'our sacrifice' could be seen as significant: it is at the base of all justifications of 'having Masses offered' that the 'sacrificing' by the priest is ontologically distinct in nature and not simply in degree from the 'sacrificing' of a lay person – otherwise, how would having a priest 'say Mass for X' (and offering him a stipend) be different from any person 'offering Mass for X'? [and this *reductio ad absurdum* is the proof of the original premise: a priest's place in the sacrifice is unique].

[33] It is in the light of this thinking we can see why replacing '*credo*' by the more liturgically aware 'we believe' was so abhorrent to many in the 1973 translation of the sacramentary: a liturgical 'we' was an ephemeral accident, but an 'I' was a subsisting substance.

and that acting as the People of God *in Christo* offering worship to the Father. In the other language, we have the vision of a rigidly divided two-tier church (*sacerdotes* /everyone else) engaged in two activities: the *sacerdotes* celebrating the eucharist and the baptised attending that event and by that attendance carrying out, *singulariter singulis*, a Christian's obligations. In real life we now have a nasty set of problems of understanding: (a) which language are we to listen to as the genuine statement of the Catholic position; (b) are we seeking to listen to one but with the other as an 'interference'; or (c) have we a macaronic muddle in which people jumble bits from both languages willy-nilly and, very often, unconsciously?[34]

But does it do an injustice to the canons to say they envisage the eucharist as a sacred object, an *ens* brought into being by a priest (albeit usually in the presence of other Christians)? The canons see him preparing for the action and then making a

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[34] What U.S. Catholics call 'the culture wars' about liturgy and interpret as a battle between 'parties' (one conservative / one progressive) can be better understood on a case-by-case basis as resulting from macharonic confusion.

'thanksgiving' after it.[35] The spectre of an infinite regress of a thanksgiving for thanksgiving does not occur to them because the priest is being thankful to God for the sacramental event which allows him to receive a sacred object, 'Communion,' and, indeed, for the gift to him of the power to celebrate, and, consequently to confect an event so wonderfully beneficial to other Christians. In this vein, the eucharist is virtually equivalent to 'communion' which is a substantial reality that should be received within 'Mass' although it can be lawfully given outside it;[36] and it is a legal requirement on every Catholic to receive Communion once a

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[35] Canon 909.

[36] Canon 918. This issue of communion outside a celebration of the eucharist is, in many ways, a touchstone of how the two languages conflict: the older language argues from isolated 'facts' such as it can be done and is not wrong, therefore is cannot be forbidden, and as such presents no problems – and so there has been the rise of 'eucharistic services' as a response to a shortage of priests, but it then obscures the more important issues of appropriateness within a system of signs and the notion of faith as a sacramental encounter; see Thomas O'Loughlin, "Eucharist or Communion Service?" *The Way* 38 (1998) 365-74.

year (and whether this involves participation in the eucharist is unclear).[37]

However, the fullest expression of this reified, ontological approach is in the special chapter of canons on stipends given to have Masses offered for people (living and dead) and intentions.[38] Here the questions turn on quantities of Masses and it is presumed that quantities matter. This may abhor theologians – and there is a canon warning that there should be nothing that gives the impression of trafficking[39] – but the fact remains that once one begins to count objects, then it means you are dealing with discreet objects with distinct significance. Counting implies quantity. So we are back to the visions of Gregory the Great[40] and the need for an exact number of Masses to deal with a precise

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[37] Canon 920.

[38] Canons 945-958.

[39] Canon 947.

[40] *Dialogi* 4,57; and see Cyrille Vogel, 'Deux Conséquences de l'eschatologie Grégorienne: La multipication des Messes Privées et les moines-prêtres' in Jacques Fontaine, et al., eds, *Grégoire le Grand* (Paris: Éditions du CNRS, 1986), pp. 267-76.

amount of divine punishment,[41] which is still very much part of Catholic practice: indeed, 'getting Masses said' for the dead is a practice that continues long after any other faith commitment has disappeared. Meanwhile, both the diocesan bishop and the parish priest has a sworn duty 'to apply the benefits of the Mass' to his people on Sundays and holydays (this is quite distinct from any duty to actually preside where the community is assembled – which is not demanded by the law),[42] but neither has a duty to give their people a well-resourced liturgy.

6. The situation confronting Catholics

I have not set out this synopsis of the Code as a vision of abuse but simply as a taste of what one finds there: this is the law that every Catholic cleric encounters and it provides the framework of his life. And this legal framework is symptomatic of the older,

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[41] See Thomas O'Loughlin, "Treating the 'Private Mass' as Normal: Some Unnoticed Evidence from Adomnán's *De locis sanctis*," *Archiv für Liturgiewissenschaft* 51 (2009) 334-44 which examines the origins of the notion in the *Dialogi* of Gregory the Great.

[42] Canons 388 and 534.

early medieval, sacramental language. Simultaneously, that presbyter reads documents like *Sacrosanctum concilium*, books written in its wake, and hears the actual language of the liturgy: all of which utilize not only a distinct theology but use a 'language' that relates to the world in a very different way. Our cleric may even hear part of the reply of Pope Francis to Anke de Bernardinis when he said: '"Well there are explanations, interpretations ..." [as to why there are separations between the churches] Life is greater than explanations and interpretations.' Could there be clearer example of how we ordinarily use an empirical rather than a 'Neo-platonic' language?

But the fact remains that Catholics are continuously hearing the two languages of sacramentality intermingled and in close proximity – indeed it is this bilingualism that may lie at the base of many of the factional disputes within the Catholic Church today. For the cleric, one is a language that seems full of abstractions and comes to him at occasional lectures and in accidental reading; the other greets him every day in the sacristy, in the structures he is expected to maintain, and it provides the standards against which he is held responsible. He is like the local people in Brian Friel's play *Translations* caught between two

languages and who do not know to which world they belong. This is not just the choice between two theologies or two styles of celebration or even two cultures, but two non-compatible ways of imagining the world. With which do I interact? And confronted haphazardly and unconsciously by this question, most Catholics do not reject one in favour of the other but, again haphazardly, seek to keep both, oscillating between two worlds.

In this paper I have used the analogy of two languages to express not simply the difference between the content of our theological discussion on one side, and that which emerges for Catholics from their canonical inheritance on the other, but also from the different ways each imagines the religious universe. One side sees that universe essentially as a mystery which is explored, interpreted and examined in an on-going endeavour that will one conclude with the eschaton: *omnia exeunt in mysterium*. The other is far more confident of its grasp of sacred reality and, as is the way with law there is a desire for consistency and coherence of the parts, thus an elaborate sacramental world of objects can be constructed.

The weakness of the language analogy for this problem is that spoken languages are more or less equal in dignity: if I chose to use French as *my* language while you choose to use German as your language, then *ceteris paribus* we (you and I), for the purpose of a convenient dialogue, simply opt for one of them perhaps by tossing a coin so that neither of us can be accused of dominating the other. But the older sacramental 'language' is not of equal dignity with the empirical language of everyday life, theology, and prayer. That language arose within a particular set of circumstances and was perpetuated within another specific situation, and, today, its continuance is both a distraction, a source of confusion, and a real obstacle to ecumenism. If we manage to isolate this older language of the sacraments in, for instance, our canon law, it may allow us to identify other aspects of that image of the eucharist as the sacred commodity which is perpetuated in a range of practices that surround eucharistic celebrations, while at the same time fostering a language for worship practice that can be related more directly to the other aspects of the Christian life.

I am conscious that many more examples are needed to demonstrate the case I am making. In lieu of such repetitious

examples I invite readers to consider situations both from within Catholic practice (e.g. the reluctance to consider the use of wafers from the tabernacle at the eucharist as a liturgical fault) and where Catholics' and others' practice diverge (e.g. that over most of the Catholic world communion '*sub utraque specie*' is rarely, if ever, given) and observe how the notion of these two commingled languages helps to clarify what is happening in the liturgy. This particular confusion of tongues makes life more difficult for Catholics, as well as hindering all Christians in singing God's praises with one voice.

Finally, has this any practical implications for the Church as it continues its journey? We have notes already the distinction drawn by Pope Francis between sharing the Lord's Supper *the end* of a journey and sharing it as *the viaticum* for walking together. It is remarkable that this distinction, which he drew apparently in the moment, mirrors almost exactly the distinction of languages I have been exploring in this paper. To speak of 'ends' brings us into the world of a metaphysics that knows essences clearly, links transient events to those within a known causal framework, and so can deduce actions (e.g. the inadmissibility of non-Catholics to eucharististic sharing) with certainty. To use the image of

viaticum is to assume that every actions of frail human beings has a provisional nature whereby we seek to understand the divine mystery in fragments over time with the clarity of knowledge only becoming visible to us in the vision of God summed up neatly in Newman's epitaph: *ex umbris et imaginibus in veritatem*. But if this second route is to be taken, then we need to acknowledge and abandon the Neo-platonic language and approach the questions with the searching openness, characteristic of empirical languages, not only to theological knowledge but of the messiness of human experience. This process, this language is always ragged and incomplete in its arguments and so we need to have a fallback that decides the benefit of the doubt – and for me that cannot be other than to adopt John 6:37 as a pastoral principle: 'Everything that the Father gives me will come to me, and anyone who comes to me I will never drive (*ekballo*) away.' On the other hand, we could adopt the notion that our language does grasp revelation to such an extent that we can construct a closed deductive system (or, at least, what approximates to such a system): the history of religions can furnish many examples of such confidence. Leaving aside the arguments for why such an option is a false path, we should simply note that in that case virtually all genuine dialogue

with non-Catholics becomes impossible, as indeed it was taken to be until well into the twentieth century. And if we acknowledged that this language is our language for matters relating to the sacraments we would save all concerned much time and effort, as well as saving all who would seek to engage in dialogue with us much frustration.